

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
JOHNSTOWN**

RANDY P. REINERT,

Petitioner,

vs.

BARRY R. SMITH, SUPERINTENDENT  
OF SCI HOUTZDALE; JOHN WETZEL,  
SECRETARY FOR PA DEPT OF  
CORRECTIONS; LEO DUNN,  
CHAIRMAN, PA BOARD OF  
PROBATION AND PAROLE; AND JOSH  
SHAPIRO, PA ATTORNEY GENERAL,

Respondents.

3:19-CV-00204

**MEMORANDUM OPINION**

Pending before Court is the Petition for Writ of Habeas Corpus (ECF No. 1) filed by Petitioner Randy P. Reinert. The matter was referred to Chief United States Magistrate Judge Cynthia Reed Eddy for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge filed a Report and Recommendation (ECF No. 16) on August 17, 2020, recommending that the Petition for Writ of Habeas Corpus be denied and that no certificate of appealability be issued. (ECF No. 16). After being granted an extension of time, Petitioner filed objections to the Report and Recommendation. (ECF No. 20). The matter is now ripe for disposition. For the reasons set forth below, the Report and Recommendation will be adopted and the petition will be denied.

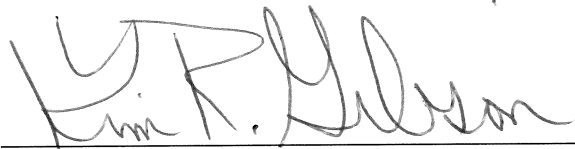
Where, as here, objections have been filed, the Court is required to make a *de novo* determination about those portions of the R&R to which objections were made. *See* 28 U.S.C. §

636(b)(1); Fed.R.Civ.P. 72(b). The district court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Petitioner's objections do not undermine the recommendation of the magistrate judge. Accordingly, after *de novo* review of the Petition and documents in the case, together with the Report and Recommendation and Objections thereto, the Petition for Writ of Habeas Corpus will be denied.

Jurists of reason would not find it debatable that the petition should be denied. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a Certificate of Appealability will be denied. The denial of a certificate of appealability does not prevent Petitioner from appealing so long as he seeks, and obtains, a certificate of appealability from the court of appeals. *See* Federal Rule of Appellate Procedure 22(b)(1).

October 30, 2020



Kim R. Gibson  
United States District Judge

cc: **RANDY P. REINERT**  
JT 0482  
Veterans Unit  
SCI Houtzdale  
PO Box 1000  
Houtzdale, Pa 16698-1000  
(via U.S. First Class Mail)

**Timothy P. Keating**  
Pennsylvania Board of Probation and Parole  
(via ECF electronic notification)

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**ORDER**

**AND NOW**, this 30<sup>th</sup> day of October, 2020, in accordance with the accompanying Memorandum Opinion, the report and recommendation dated August 17, 2020 (ECF No. 16) is **ADOPTED** and the Petition for Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED** that no certificate of appealability should issue.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, Petitioner has thirty days after entry of the judgment to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

The Clerk of Court is directed to mark this case closed.



Kim R. Gibson  
United States District Judge

cc: **RANDY P REINERT**

JT 0482

Veterans Unit

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